

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
NORTHERN DIVISION**

IN RE LUMIFY

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)
)
) Cause No.:
)
) [Pending in the U.S. District Court for the District of New
) Jersey, C.A. 21-16766 (RK)(RLS) (CONSOLIDATED)]
)

**NON-PARTY GERALD D. HORN'S MOTION TO QUASH SUBPOENA OR
ALTERNATIVELY FOR A PROTECTIVE ORDER**

Non-party Gerald D. Horn, M.D. (“Dr. Horn”), pursuant Rules 45(d)(3), 26(b)(2)(C), and 26(c)(1), Fed. R. Civ. P., moves the Court for an order quashing a subpoena for deposition testimony issued by Dr. Reddy’s Laboratories Inc., Dr. Reddy’s Laboratories, S.A., Slayback Pharma LLC, and Slayback Pharma India LLP (collectively the “NJ Defendants”) dated May 13, 2024 (the “Subpoena”), or, in the alternative, for a protective order narrowing the scope of the Subpoena on the grounds that it subjects Dr. Horn to an undue burden and seeks irrelevant, privileged, burdensome, and/or cumulative discovery in *In re Lumify*, C.A. No. 21-16766 (RK)(RLS) (D.N.J.).

Pursuant to Local Rule 78.3, this Motion is accompanied by a brief which is being filed contemporaneously with this Motion and incorporated by reference herein. Dr. Horn requests oral argument in order to assist the Court with resolution of this Motion.

Counsel for Dr. Horn met and conferred with opposing counsel regarding the issues addressed by this Motion on May 30, 2024. The parties discussed ways to address the Subpoena and surrounding issues but could not reach agreement.

WHEREFORE, Dr. Horn prays the Court for the following relief:

- (a) An Order quashing the Subpoena in its entirety;
- (b) Alternatively, a Protective Order prohibiting the NJ Defendants from seeking privileged, irrelevant, and/or cumulative information from Dr. Horn and limiting Dr. Horn's deposition in both time and scope to specific subject matters relevant to the case and to permit a virtual deposition or a deposition by written questions;
- (c) An award of Dr. Horn's reasonable attorneys' fees and costs for bringing this Motion; and
- (d) Such further relief as the Court deems just and proper.

Dated: June 6, 2024

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, states that he caused to have electronically filed with the Clerk of the Court, the foregoing pleading, and caused the same to be served on the following attorneys of record via email on June 6, 2024:

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